

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

v.

ROBERT L. SMITH

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**No. 3:05-CR-142
(Phillips)**

ORDER

By order entered May 8, 2006, defendant was committed for a mental health evaluation to determine his competence to stand trial and mental state at the time of the charged offense. On September 12, 2006, the forensic evaluation conducted by the Federal Medical Center, Lexington, Kentucky, was filed with the court [Doc. 85]. On December 6, 2006, this matter came before the court for defendant's competency hearing under 18 U.S.C. §§ 4241 and 4242, at which time defendant stated, through counsel, that he did not contest the findings of competency made by Karen Millner, Psy.D. and Michael Helvey, Ph.D., that defendant is not currently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense.

Dr. Millner also found no indication that defendant was experiencing a significantly impaired ability to understand the wrongfulness of the behavior comprising the

charged offenses, exercise the power of reason, or control behavior he knew was wrong at the time of the offenses.

After carefully considering defendant's forensic evaluation, the materials produced, the statements of counsel for the defendant and for the government, and the record as a whole, the court fails to find by a preponderance of the evidence that defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

It is therefore, **ORDERED:**

1. Defendant is found competent to stand trial on the charged offenses; and
2. This matter is set for sentencing on **February 9, 2007 at 9:00 a.m.**

ENTER:

s/ Thomas W. Phillips
United States District Judge